

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

C.D.A., a minor child, and Mr. A.,	:	
his father; and E.A.Q.A., a minor child,	:	
and Mr. Q., his father,	:	Civil Action No. 5:21-cv-00469
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
The United States of America,	:	
	:	
Defendant.	:	

UNOPPOSED MOTION TO VOLUNTARILY WITHDRAW
THE UNITED STATES' MOTION TO DISMISS

In their complaint, the plaintiffs assert claims pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b)(1), 2671 et seq. (the “FTCA”) and the Alien Tort Statute, 28 U.S.C. § 1330 (the “ATS”). On April 26, 2021, the United States filed a motion to dismiss all claims in the complaint (Doc. No. 14.) Thereafter, the United States and the plaintiffs began to explore the possibility of settlement. The parties have jointly requested that the case be held in abeyance while settlement is discussed. Three stipulations have been filed, each asking that the case be held in abeyance for 60 days. (Doc. Nos. 15, 17, 19.) Each time, the Court has granted the request. (Doc. Nos. 16, 18, 21.)

While the case is in abeyance, there is no need for the Court to decide the pending motion to dismiss. During the case management call on September 2, 2021, the plaintiffs voiced no opposition to the United States withdrawing its motion at this time with the right to later refile the motion. The United States hereby moves to voluntarily withdraw this motion without prejudice to its right to re-file the motion in the event that settlement efforts are unsuccessful and litigation continues.

Respectfully submitted,

JENNIFER ARBITTIER WILLIAMS
Acting United States Attorney

s/ Gregory David [SRB]
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

s/ Veronica Finkelstein
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Counsel for the United States of America

Dated: September 3, 2021